

RSA 53 of 1998.

2.5.2008 Present: Mr. Bimal Gupta, counsel for  
the appellants.  
Ms. Ruma Kaushik, Addl. AG,  
for respondent No. 1.  
Mr. Ramakant Sharma, counsel  
for respondent No. 2.

This appeal has been preferred by the appellants against the order passed by the learned District Judge deciding a reference under Section 31 with respect to entitlement of the parties to compensation. A number of arguments have been addressed by learned counsel for the appellants on the respective merits of the case. None of them are being considered for the simple reason that the learned District Judge has displayed appalling ignorance about the basic principles of law and has proceeded to determine the controversy raised before him by the parties without recording evidence or reference to written documents, if any, on record, only on surmises and conjectures on the arguments addressed before him. This is one judgment which purportedly gives reasons for the decision but not the facts established by law on which it is based. So much so, even the Death Certificate of Smt. Durgi Devi whose estate was the subject matter of reference petition, was not placed or proved on the record. It was only during the pendency of this appeal that a direction was issued to the Collector, Solan who

produced the same on record.

Turning to the controversy raised by the parties, I find it strange that the petition should have been disposed of without framing issues or proof of the allegations made by the parties to this petition. In these circumstances, the judgment of District Judge in appeal is quashed and set aside. The matter is remanded to the learned District Judge for decision afresh in accordance with law. A direction is issued:

- (a) That the parties shall appear before the learned District Judge on 30.5.2008 whereafter he will proceed with the matter in accordance with law;
- (b) The reference proceedings being old, learned District Judge will dispose of the entire case on or before 31.12.2008. A further direction is issued to the Registry that the records alongwith a copy of this order be sent to the District Judge, Solan forthwith so as to reach there not later than 15<sup>th</sup> of May, 2008;
- (c) The awarded amount which has been called to this Court shall remain invested in

(d) fixed deposit and shall not be released to any party without the orders of this Court.

(e) The records be sent back forthwith.

The appeal is accordingly allowed. There shall be no order as to costs.

May 2, 2008 (PC) .

(Dev Darshan Sud) , J.